

Attorney's Docket No.: 004411.P002



PATENT

DECLARATION AND POWER OF

As a below named inventor, I hereby declare that:				
My residence, post	office address and citizenshi	p are as stated below, next to my	name.	
first, and joint inver for which a patent i	ntor (if plural names are listed is sought on the invention enti	(if only one name is listed below) below) of the subject matter which tled APPLICATION SERVER ENVIRO	h is claim	ed and
the specification of	which			
	attached hereto. Is filed on January 18, 2000 a United States Applicatio or PCT International Ap and was amended on _		<u></u> .	
		nd the contents of the above-iden by any amendment referred to at		
	duty to disclose all information Code of Federal Regulations,	n known to me to be material to pa Section 1.56.	atentabilit	y ás
foreign application(any foreign applica	s) for patent or inventor's cert	35, United States Code, Section ificate listed below and have also rtificate having a filing date before	identified	below
Prior Foreign Appli	cation(s)		Prior <u>Clain</u>	
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No
Number	Country	Day/Month/Year Filed	Yes	No

I hereby claim the benefit under provisional application(s) listed t		ode, Section 119(e) of any United States
Application Number	Filing Date	
Application Number	Filing Date	
application(s) listed below and, i is not disclosed in the prior Unite of Title 35, United States Code, known to me to be material to pa	nsofar as the subject mat ed States application in th Section 112, I acknowled atentability as defined in T ilable between the filing d	ode, Section 120 of any United States ter of each of the claims of this application e manner provided by the first paragraph ge the duty to disclose all information Title 37, Code of Federal Regulations, ate of the prior application and the national
Application Number	Filing Date	Status patented, pending, abandoned
Application Number	Filing Date	Status patented, pending, abandoned
substitution and revocation, to pound Trademark Office connected Send correspondence to Royal (Nan ZAFMAN LLP, 12400 Wilshire)	rosecute this application and herewith. onald C. Card ne of Attorney or Agent; Boulevard 7th Floor, Lo	s Angeles, California 90025 and direct
telephone calls to Ronald C (Name of	Attorney or Agent)	408) 720-8300.
statements made on informati statements were made with th are punishable by fine or impr	on and belief are believ e knowledge that willfu isonment, or both, und lful false statements ma	y own knowledge are true and that all ed to be true; and further that these I false statements and the like so made er Section 1001 of Title 18 of the United by jeopardize the validity of the
Full Name of Sole/First Inventor	. // /	
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APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.